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2006 SESSION POST-MORTEM: JUDICIAL COUNCIL & CDCBA BILL PACKAGES FARE WELL

Both the Judicial Council of California and the Conference of Delegates of California Bar Associations (CDCBA) fared well in the just-concluded final year of the 2005-06 Legislative Session.

The [Judicial Council](#) saw seven of its sponsored proposals enacted into law, led by [SB 56](#) by Senate Judiciary Committee Chair [Joseph Dunn](#) (D-Santa Ana), which created an additional 50 judgeships, and [SB 10](#) (Dunn), which amended the Trial Court Facilities Act to allow for the transfer of certain seismically deficient courthouse facilities to the state, leaving liability for earthquake-related damage, injury, and loss with the transferring counties.

Also signed into law was [AB 2129](#) by Assembly Member [Todd Spitzer](#) (R-Orange), which requires that any firearms in the possession of a person subject to one of specified protective orders be relinquished within 24 hours of the order being served, and that proof of relinquishment be filed with the court within 48 hours.

The council also sponsored four provisions of [AB 2303](#) (Assembly Judiciary Committee), the annual omnibus civil practice bill. Those provisions clarify the procedures governing a change of name; make service times for elder abuse protective orders consistent with other protective orders; authorize courts to receive notice to appear citations for non-parking Vehicle Code violations electronically; and extend the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.

Judicial Council-sponsored initiatives that did not make it to the Governor's desk this year included [SB 395](#) by Senator [Martha Escutia](#) (D-Montabello), a court facilities bond measure which was introduced in 2005 but not moved in 2006; and [SB 1187](#) by Senator [Dick Ackerman](#) (R-Tustin), which would have authorized CalPERS to offer the option of an actuarially equivalent lifetime annuity to a judge vested under the Judges' Retirement System II (JRS II) who leaves office prior to achieving normal retirement age. SB 1187 passed the Senate and Assembly policy committee without opposition, but ultimately stalled in the Assembly Appropriations Committee due to cost concerns.

The [Conference of Delegates of California Bar Associations \(CDCBA\)](#), the independent successor to the former State Bar Conference of Delegates, also had a successful 2006. Signed into law this year were at least six resolutions adopted by the Conference, including:

- Resolution [4-01-05](#) (included in [AB 2303](#), the Assembly Judiciary Committee omnibus civil practice bill) -- Requires a written order of dismissal after granting a motion to dismiss on grounds of *forum non conveniens* as a prerequisite to an appeal.
- Resolution [9-06-05](#) (also included in [AB 2303](#)) -- Clarifies the time period for serving and filing a petition for writ of mandate seeking review of a court's determination on disqualification of a judge.
- Resolutions [5-02-05](#) and [5-03-05](#), included in [AB 2864](#) by Senator [Tom Harman](#) (R-Huntington Beach), clarify the time limit for filing an action against a decedent's estate if the last day falls on a weekend or holiday.
- Resolution [3-04-05](#) ([AB 1598](#) – Assembly Agriculture Committee) – Provides a method for enforcement of a civil penalty for violation of plant quarantine laws.

In addition, the Legislature enacted the key underlying provision of Resolution [1-16-05](#) by authorizing the practice of collaborative law in California through [AB 402](#) by Assembly Member [Mervyn Dymally](#) (D-Compton). AB 402 also calls for the creation of a working group consisting of legislative staff, lawyers, and representatives of the judiciary to develop a more comprehensive collaborative law act for introduction in 2007.

DEADLINES UPCOMING

- [Thursday, November 30](#) – 2005-06 Legislature adjourns *sine die*.
- [Monday, December 4](#) – 2007-08 Legislature convenes at noon for Organizational Session.
- [Wednesday, January 3, 2007](#) – Legislature reconvenes after holiday recess.
- [Wednesday, January 10](#) -- Budget bill must be submitted by the Governor.
- [Friday, January 26](#) – Last day to submit bill drafting requests to Legislative Counsel.
- [Friday, February 23](#) – Last day for bills to be introduced (except committee and urgency measures).